

IN THE DISTRICT COURT OF COMANCHE COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA
Comanche County
FILED in the
Office of the Court Clerk

NOV 17 2020

ROBERT STALLCUP,
CHAD CHAPPELL and
CASEY VANCE,

Plaintiffs,

v.

3M COMPANY, 3M
OCCUPATIONAL SAFETY, LLC.,
AEARO HOLDING, LLC., AEARO
INTERMEDIATE, LLC., AEARO, LLC.,
and AEARO TECHNOLOGIES, LLC.,

Defendants.

By _____
Deputy

Case No. CJ-2020-493



PETITION

COME NOW the Plaintiffs, Robert Stallcup, Casey Vance and Chad Chappell (hereinafter "Plaintiffs") and for their cause of action against Defendant 3M Company, 3M Occupational Safety, LLC. Defendant Aearo Holdings, LLC., Aearo Intermediate, LLC., Aearo, LLC., and Aearo Technologies, LLC. (hereinafter "Defendants") allege and state as follows:

1. Plaintiffs Stallcup and Chappell are residents of Comanche County and Plaintiff Vance is a resident of Oklahoma County.
2. Plaintiffs served in the armed forces between 2003 and 2015.
3. Plaintiffs were issued and used the defective Dual Ended Combat Arms Earplugs which were designed, manufactured and distributed by the Defendants.
4. The ear plug was defective and caused hearing loss to Plaintiffs.
5. Defendants knew the product was defective in design and manufacture and yet allowed Plaintiffs and others to be injured by the use of their unreasonably dangerous product.

6. The product was unusually dangerous because it was not effective for its intended use.

7. All Plaintiffs suffered hearing loss, tinnitus, and other complications from use of the product.

8. Defendants should be punished for their intentional acts and acts of gross neglect.

9. Defendant 3M was ordered to pay a fine to the United States Government because of the intentional misrepresentations.

10. Defendants were negligent, failed to warn, have breached the express and implied warranties; Defendants have committed fraud and deceit, by knowingly placing Plaintiffs in harms way with defective equipment. Defendants were also grossly negligent and failed to warn Plaintiffs that their products were defective.

WHEREFORE, premises considered, Plaintiffs, Robert Stallcup, Casey Vance and Chad Chappell, and each of them, pray for actual damages in excess of Seventy-Five Thousand Dollars (\$75,000.00), and punitive damages in excess of Seventy-Five Thousand Dollars (\$75,000.00), the cost of this action, attorney fees, and any other such relief this Court deems just and proper.

Respectfully submitted,



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***JURY TRIAL DEMANDED
ATTORNEYS LIEN CLAIMED***